



THE CITY OF NEW YORK
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January 10, 2025

VIA ECF

Honorable Ann M. Donnelly
United States District Judge
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

Re: Etan Leibovitz v. Procida, et al., 24-CV-4779 (AMD) (LB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, attorney for Defendant Weiss in the above-referenced matter. For the brief reasons stated herein, Defendant Weiss respectfully requests that her motion to dismiss be deemed unopposed.

Defendant Weiss moved to dismiss Plaintiff's claims on December 5, 2024. See ECF Nos. 41-43. Pursuant to Magistrate Judge Bloom's briefing schedule, Plaintiff's opposition was due on January 6, 2025. See Dkt. Entry Dated December 4, 2024. On January 2, 2025, in response to what appeared to be an *ex parte* communication to Your Honor's chambers, Plaintiff was reminded that his response to Defendant Weiss' motion to dismiss was due by January 6, 2025. See Dkt. Entry Dated January 2, 2025. At that time, Your Honor expressly warned Plaintiff that if he "does not file his response by January 6, 2025, the Court will consider the motion[] to dismiss fully briefed." See id.

On January 6, 2025, plaintiff filed his Opposition to the State Defendants' Motion to Dismiss. See ECF Nos. 54-56. To date, however, Plaintiff has not opposed Defendant Weiss' motion and it appears that he has no intention of doing so. Therefore, Defendant Weiss respectfully requests that her motion to dismiss be deemed unopposed.

Defendant thanks the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Mamoon Saleemi

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Assistant Corporation Counsel
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cc: **VIA REGULAR MAIL**
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